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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/855,948	05/15/97	OSTERHELD	AM2001020400

PATENT COUNSEL  
APPLIED MATERIAL INC  
LEGAL AFFAIRS DEPARTMENT  
P O BOX 450A  
SANTA CLARA CA 95052

QM11/0515

EXAMINER

ELEY, I

ART UNIT	PAPER NUMBER
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3723

5

DATE MAILED:

05/15/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/856,948

Applicant(s)  
T. Osterheld

Examiner  
Timothy V. Eley

Group Art Unit  
3723



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-15 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-15 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3203

## **DETAILED ACTION**

### ***Drawings***

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

### ***Claim Rejections - 35 USC § 112***

2. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. In claims 8, 9, and 13, applicant recites a pitch of each groove. The phrases containing this recitation are all awkwardly worded since each groove does not have a pitch. The pitch is the distance between respective grooves.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Breivogel et al or Reinhardt et al, each considered independently.

a. Both Breivogel et al and Reinhardt et al disclose a polishing pad having an upper layer(Reinhardt et al inherently) comprising a polishing surface having a plurality of substantially circular groove separated by partitions.

b. Neither Breivogel et al nor Reinhardt et al discloses the specific dimensions of the polishing pad as claimed by applicant.

c. The exact dimensions of the polishing pad would have been obvious matters of choice and structural design to one having ordinary skill in the art at the time the invention was made, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Breivogel et al or Reinhardt et al as applied above, and further in view of either Tselesin or Gougouyan, each considered independently.

a. Breivogel et al and Reinhardt et al are explained above.

b. Neither Breivogel et al nor Reinhardt et al disclose a spiral groove in the polishing surface.

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c. Both Tselesin and Gougouyan teach a spiral groove in a flat lapping surface for aiding in removing slurry therefrom.

d. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified both the Breivogel et al and Reinhardt et al devices by replacing the circular grooves therein with a spiral groove as taught by either Tselesin or Gougouyan for aiding in removing slurry from the polishing pad.

e. The exact dimensions of the polishing pad would have been obvious matters of choice and structural design to one having ordinary skill in the art at the time the invention was made, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Documents related to the instant application may be submitted to Technology Center 3720 by facsimile transmission. Applicant is reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Technology Center 3720 Facsimile Center number is (703)305-3579/3580.

Serial Number: 08/856948

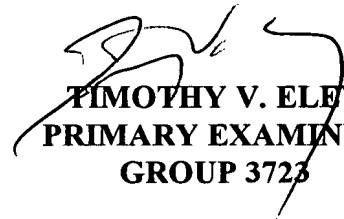
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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy V. Eley whose telephone number is (703)308-1824.

tve

May 10, 1998

  
**TIMOTHY V. ELEY**  
**PRIMARY EXAMINER**  
**GROUP 3723**